

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
ex rel., TERESA ROSS

Plaintiff,

v.

12-CV-0299(S)

GROUP HEALTH COOPERATIVE, INDEPENDENT  
HEALTH CORPORATION, DxID LLC, DR. JOHN  
HAUGHTON, BETSY GAFFNEY, & INDEPENDENT  
HEALTH ASSOCIATION,

Defendants.

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**THE UNITED STATES' NOTICE THAT  
IT IS NOT INTERVENING AT THIS TIME**

The United States hereby notifies the Court that it is not intervening in the above-captioned matter at this time. Although the United States is not intervening at this time, an active investigation is ongoing. The United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; provided, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id. Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon it; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order



any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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UNITED STATES ATTORNEY

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